

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1369 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI and

MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.
3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No

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GANDUBHAI DAMABHAI

Versus

STATE OF GUJARAT

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Appearance:

MR BJ JADEJA for Petitioner

SERVED for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.M.SONI and

MR.JUSTICE S.D.PANDIT

Date of decision: 12/12/96

ORAL JUDGEMENT(Per:Pandit.J)

Though the matter is called out repeatedly nobody has remained present. We have perused the record and therefore, we proceed to dispose of the same on merits.

2. This petition is filed against the order of the Deputy Collector and Land Acquisition and Rehabilitation, Jamnagar passed on 18.3.87 by which the petitioner's application has been rejected.

3. The order of the Land Acquisition Officer shows that he has rejected the said application as the same was filed beyond the period of limitation prescribed for filing an application under section 18. The award in the L.A. case No 13/82 was declared on 30.3.83; whereas the application for making the reference u/s 18 was filed on 13.3.86. Therefore, it is obvious that said application was filed beyond the period of limitation prescribed under section 18(2) of the Land Acquisition Act.

4. It is one of the contentions raised by the petitioner in this petition that by taking the aid of section 5 of the Limitation Act 1963, the delay caused in filing the petition may be condoned but similar contention was taken before the Land Acquisition Officer and he has negated the same. Said decision could not be said to be illegal improper. In the recent case of Officer on Special Duty vs. Shah Manilal Chandulal 1996(2) JT 278 the Apex Court has held that provisions of section 5 of the Limitation Act 1963 are not applicable to proceedings under the Land Acquisition Act. Thus it is obvious that there is no merit in this petition. The petition is therefore, liable to be dismissed. We accordingly dismiss the same with no order as to costs. Rule discharged.

(S.M.Soni.J)

(S.D.Pandit.J)

